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FACT SHEET

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Transfer of Court Facilities

In December 2009, California's judicial branch reached a historic milestone: completion of the transfer of 532 court facilities from local to state jurisdiction. This monumental, multiyear effort constituted one of the largest real estate transactions in California history. The transfer of court facilities to state responsibility fulfills a significant structural reform that creates a single, comprehensive court facilities infrastructure, which is expected to increase efficiency in court operations, enhance court safety, and help ensure equal access to justice for all Californians.

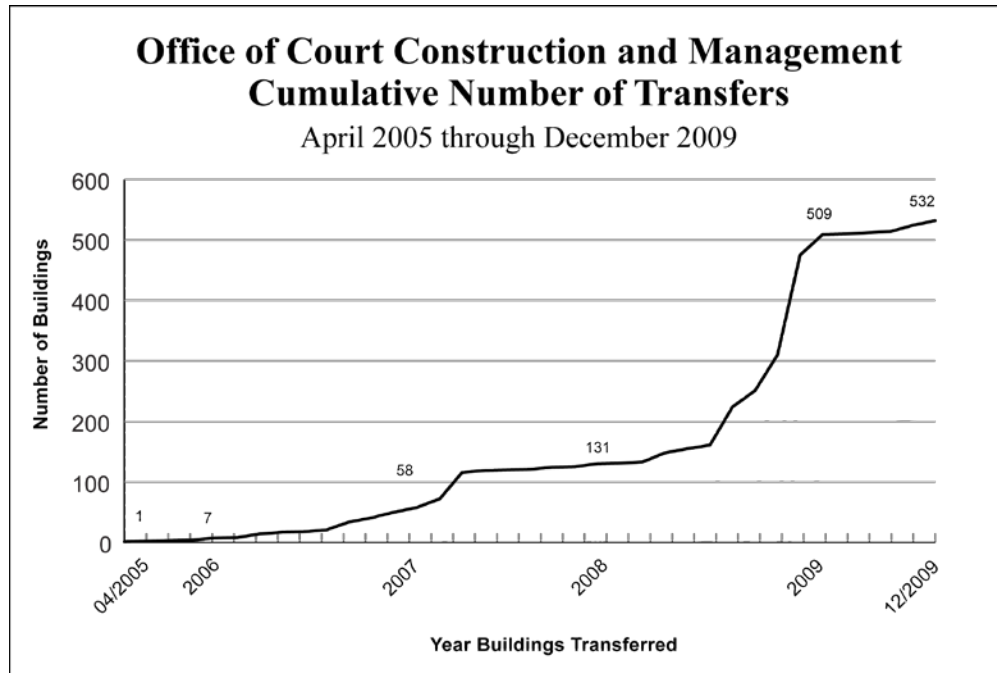
The State's Role

In 2001, the State of California Task Force on Court Facilities recommended that the state assume full maintenance and operational responsibility for all court facilities in the state. These recommendations resulted in the passage of the Trial Court Facilities Act of 2002, which placed the state's responsibility for court facilities with the Judicial Council and its staff agency, the Administrative Office of the Courts (AOC).

After the transfer of each trial court facility, the Judicial Council assumes responsibility for court space in the building, with ongoing input from county and community representatives. Staff members at transferred facilities remain employees of the courts, which have been independent employers since passage in 2000 of the Trial Court Employment Protection and Governance Act.

Office of Court Construction and Management

The AOC established the Office of Court Construction and Management (OCCM) in 2003 to lead implementation of the Trial Court Facilities Act. OCCM implemented facility transfers in partnership with county administrative staff and collaborated with county and court officials to establish long-term facilities master plans for the trial courts. The office now manages real estate and facilities operations and maintenance for the superior courts, Courts of Appeal, and other judicial branch organizations. It also plans and manages design and construction of new and renovated courthouses.



Transfers began in earnest in 2006, once legislation resolved issues of seismic liability that had hindered the process in many counties.

Benefits to Public

The transfers have several important benefits for Californians.

Access to justice for all Californians

Fair and equal administration of justice depends on the availability of sufficient, safe, and accessible facilities so everyone can have their day in court. OCCM has begun to address the shortage of space, antiquated facilities, and inadequate infrastructure that threaten the ability of the justice system to accommodate the needs of residents and businesses.

Increased safety and security at California courthouses

The transfers and resultant leveraging of resources throughout the state will enable the AOC to address life, health, and safety issues while correcting security and operational deficiencies—principally by:

- Bringing fire and life safety systems up to current codes;
- Improving accessibility for persons with disabilities;
- Remediating areas with hazardous materials such as asbestos;

- Upgrading hazardous and inadequate electrical and lighting systems;
- Replacing heating, ventilation, and air-conditioning systems; and
- Facilitating seismic retrofit projects.

Resource sharing and efficiency

The transfers and the subsequent unified, statewide administration of court buildings enable the Judicial Council to leverage shared resources and knowledge across all 58 California counties. This produces greater efficiencies and savings through large-scale purchasing power and enhanced delivery of programs and services.

Reduced burden on counties

The transfers reduce the burden on county governments, who no longer have to provide and maintain facilities for state court operations.

An Urgent Need

There is an urgent need for construction and renovation in California's court buildings. The 2001 final report of the Task Force on Court Facilities indicated the extent of the need:

- One-quarter of courtrooms have no space for a jury box.
- More than a quarter are at risk of significant damage in an earthquake.
- More than 40 percent of court facilities have no way to bring in-custody defendants into courtrooms without using public hallways where the defendants pass by witnesses, potential jurors, victims, and other court users. In fact, more than two-thirds have inadequate security according to current standards.
- More than two-thirds of court buildings lack up-to-date fire and life safety systems (including sprinklers, proper exits, and emergency lighting).
- More than three-quarters have inadequate access for persons with disabilities.

Funding for Improvements

Addressing the state's aging, deficient court buildings and providing for population growth, so that all Californians can have their day in court, are critical needs. Substantial long-term funding is required to renovate, replace, and create new court facilities. The passage of Senate Bill 1407 in 2008, landmark legislation that established a revenue stream from court fees and fines that will fund up to \$5 billion in courthouse construction, was the major first step in funding California's urgently needed courthouse improvements. The Trial Court Capital-Outlay Plan includes another 100 projects for which funding has not been secured. While it implements

the 41 projects funded by SB 1407, the judicial branch will continue to explore other means to fund the state's ongoing need for courthouse infrastructure improvements.

Symbols of Democracy

The system of justice in the United States is a living symbol of the success of democratic ideals, and the buildings that enable the public to fully engage this system play a central role in the judicial branch. Well-designed and well-maintained courthouses help create a safe and secure environment for witnesses, victims, litigants, jurors, court staff, and judges; minimize the impact of family disputes on children; keep official records safe; and protect confidentiality.

Courthouses are places where all Californians can exercise their right to be heard and have their day in court. Safe, secure, and accessible facilities are critical to protecting these constitutional rights. In the words of Chief Justice Ronald M. George, "Our judicial system does not need, want, or expect palaces. But it does deserve facilities that are secure, well maintained, and adequate to serve the public's needs."

Legislative Background

Lockyer-Isenberg Trial Court Funding Act (Assem. Bill 233; Stats. 1997, ch. 850)

Assembly Bill 233 made funding of court operations a state responsibility and provided the courts with their first statewide funding system.

Proposition 220

Passed by California voters in 1998, Proposition 220 authorized the voluntary unification of each county's superior and municipal courts into a single trial court system.

Trial Court Facilities Act (Sen. Bill 1732; Stats. 2002, ch. 1082)

Senate Bill 1732 shifted the governance of California's courthouses from the counties to the state, laying the groundwork for the final step in trial court unification: the transfer of court facilities.

Senate Bill 10

SB 10, enacted in 2006, revised the Trial Court Facilities Act to allow the transfer of buildings with a seismic level V rating to the state so long as liability for all earthquake-related damage remains with the counties to the same extent as if the court facilities had not transferred to the state.

Assembly Bill 1491

AB 1491 extended through December 31, 2009, the period during which facility transfer agreements could be executed, allowed for the transfer of multiple buildings through a single agreement, and created a tiered payment structure for facility transfers executed after certain dates.

Contact:

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Additional resources:

OCCM Web site, www.courts.ca.gov/programs-facilities.htm